

REMARKS

In the Office Action, the Examiner noted that Claims 1-43 are pending in the application. Claims 1-9, 19-27, and 33-43 have been withdrawn by a previous amendment. By this Amendment, Claims 10, 11, 12, 28 and 29 have been amended, Claims 14 and 32 have been canceled, leaving Claims 10-13, 15-18, and 28-31 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 10-13, 15-18, and 28-31 stand rejected under 36 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application 2003/0090164 to Brosnihan et al. in view of U.S. Patent 5,510,201 to Werth. Applicants respectfully traverse this rejection.

Brosnihan et al. teaches an apparatus for monitoring the operation of a electrical generator (Item 70) that produces electrical power (paragraph 18). Hydrogen gas is introduced into the electrical generator (Item 70) from a supply (Item 104) facilitate the cooling of the electrical generator and increase its efficiency (paragraph 20). The apparatus taught by Brosnihan et al. monitors the operation of the electrical generator and samples the hydrogen gas to determine the hydrogen gas purity. The sampled hydrogen gas may be returned to the electrical generator or vented (paragraph 20). A processor 54 provides suitable control functionality for the apparatus.

In order to establish a prima facie case of obviousness, the references must have appeared to suggest the claimed subject matter. *In re Rinehart*, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976). Applicant respectfully submits that independent Claims 10 and 28, as amended are not obvious in light of Brosnihan et al. in view of Ovshinsky et al and Werth. Claims 10 and 28 as amended require a vent with one end connected to the electrical generator with the other end being open to the atmosphere. Antecedent basis for these amendments may be found in paragraphs [0021] through [0024] of the present application. A valve is also required that releases hydrogen gas from the electrical generator in response to a signal. This release of hydrogen gas from the

electrical generator causes the pressure in the electrical generator to drop which will be detected by the pressure transducer coupled to the conduit between the hydrogen generator and the electrical generator. As a result of the valve opening to release hydrogen gas, the pressure transducer will cause the hydrogen generator to generate new hydrogen gas.

Applicant respectfully submits that neither Brosnihan et al., Ovshinsky et al., or Werth disclose either singly or in combination, a system having a vent valve connected to an electrical generator that opens in response to a purity signal which in turn allows the electrical generator to be re-filled with hydrogen gas.

Further, since the dependent claims incorporate all of the limitations of the independent claims, Applicant respectfully submits that Examiner's rejection under 35 U.S.C. §103(a) has been traversed. In view of the foregoing, Applicant submits that the cited references fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do with the patent Applicant has done, fail to offer any reasonable expectation of success in combining the reference to perform as the claimed invention performs, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal the rejection under 35 U.S.C. §103(a) and allowance of Claims 10-13, 15-18, and 28-31 is respectfully requested.

Conclusion


For at least the foregoing reasons advanced above, Applicants respectfully request withdrawal of these rejections. It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly reconsideration and allowance is earnestly requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment, to Deposit Account 503125.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of to Deposit Account No. 503125.

Respectfully submitted,

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